

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested in view of the following remarks.

Summary of the Office Action

An affirmation to the election is required.

Claims 1-4, 9, 11-13 and 15 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 4,767,965 to Yamano (hereinafter Yamano).

Claims 1, 5, 8, 10 and 14 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 3,873,870 to Fukushima *et al.* (hereinafter Fukushima).

Claims 6 and 7 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Fukushima in view of Japanese Patent Publication No. 8-162069 to Go (hereinafter Go).

Claim 16 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Fukushima in view of U.S. Patent No. 5,341,231 to Yamamoto *et al.* (hereinafter Yamamoto).

Summary of the Response to the Office Action

Claim 1 has been amended to differently describe the invention. Accordingly, claims 1-20 remain currently pending, with claims 1-16 currently under consideration.

The Election/Restriction Requirement

Applicant hereby affirms the election to prosecute the invention of Group I, claims 1-16, previously made on February 19, 2003.

Claim Rejections Under 35 U.S.C. §102(b)

Claims 1-4, 9, 11-13 and 15 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Yamano. To the extent that the Examiner may consider this rejection to apply to

the newly amended claims, the rejection is traversed as being based upon a reference that neither teaches nor suggests the novel features recited in the claims.

Independent claim 1, as newly amended, recites a flat luminescent lamp combination comprising, amongst other elements, “first and second substrates having a plurality of grooves formed therein and attached to each other at a plurality of adhesive portions” and “a plurality of discharge spaces in the grooves between the first and second substrates.”

The Office Action relies upon Yamano for an alleged teaching of a flat luminescent lamp comprising first and second substrates (Fig. 9, items 54 and 56) attached to each other at a plurality of adhesive portions (Fig. 10, item 60).

However, as noted in Figs. 9 and 10 of Yamano, the alleged first and second substrates are made of flat glass plates (column 6, lines 10-15), not first and second substrates having grooves formed therein, as recited in newly-amended independent claim 1. At most Yamano discloses the use of support pieces 62, made of glass pipes, glass balls, half discs and projections placed on the lower glass panel 54 and connected with fused frit glass (column 6, lines 39-44, Figs. 12A-12D). Therefore, Applicant respectfully submits that Yamano merely discloses the use of two flat substrates 54 and 56, wherein the lower glass panel 54 has a plurality of support pieces placed on top. Accordingly, it is respectfully submitted that Yamano fails to teach or suggest the claimed combination as set forth in independent claim 1 including at least “first and second substrates having a plurality of grooves formed therein and attached to each other at a plurality of adhesive portions,” and “a plurality of discharge spaces in the grooves between the first and second substrates.”

M.P.E.P. § 2131 states “[t]o anticipate a claim, the reference must teach every element of the claim.” Applicant respectfully submits that since Yamano does not teach or suggest all of the

features of independent claim 1, Yamano does not anticipate claim 1. Further, since claims 2-4, 9, 11-13 and 15 depend from claim 1, it is respectfully submitted that Yamano also does not anticipate claims 2-4, 9, 11-13 and 15. Accordingly, withdrawal of the rejection of claims 1-4, 9, 11-13 and 15 under 35 U.S.C. §102(b) is respectfully requested.

Claims 1, 5, 8, 10 and 14 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Fukushima. To the extent that the Examiner may consider this rejection to apply to the newly amended claims, the rejection is traversed as being based upon a reference that neither teaches nor suggests the novel features recited in the claims.

The Office Action relies upon Fukushima for an alleged teaching of a flat luminescent lamp comprising first and second substrates (Fig. 3b, items 6 and 11) attached to each other at a plurality of adhesive portions (column 2, lines 42-44).

As noted in Fig. 3b of Fukushima, the alleged first and second substrates are a flat insulating substrate 6 and a flat transparent insulating substrate 11 made of glass. However, no portion of Fukushima's disclosure discusses first and second substrates having grooves formed therein and a plurality of discharge spaces in the grooves between the first and second substrates, as recited in newly-amended independent claim 1. Accordingly, it is respectfully submitted that Fukushima fails to teach or suggest the claimed combination as set forth in independent claim 1 including at least "first and second substrates having a plurality of grooves formed therein and attached to each other at a plurality of adhesive portions," and "a plurality of discharge spaces in the grooves between the first and second substrates."

Applicant respectfully submits that since Fukushima does not teach or suggest all of the features of independent claim 1, Fukushima does not anticipate claim 1. Further, since claims 5, 8, 10 and 14 depend from claim 1, it is respectfully submitted that Fukushima also does not

anticipate claims 5, 8, 10 and 14. Accordingly, withdrawal of the rejection of claims 1, 5, 8, 10 and 14 under 35 U.S.C. §102(b) is respectfully requested.

Claim Rejections under 35 U.S.C. §103

Claims 6 and 7 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Fukushima in view of Go. Applicant respectfully traverses the rejection of dependent claims 6 and 7 for at least the following reasons.

As noted above, independent claim 1, from which claims 6 and 7 depend, recites amongst other elements “first and second substrates having a plurality of grooves formed therein and attached to each other at a plurality of adhesive portions,” and “a plurality of discharge spaces in the grooves between the first and second substrates.” Also, as explained above, Fukushima fails to teach or suggest at least this feature of newly amended independent claim 1.

Applicant respectfully submits that Go also fails to teach or suggest at least the claimed combination as set forth in independent claim 1 and thus fails to cure the deficiencies of Fukushima. As illustrated in Fig. 4, Go teaches two flat panels 91 and 92 without any teaching or suggestion of including grooves formed therein and attached to each other at a plurality of adhesive portions and a plurality of discharge spaces in the grooves between the first and second substrates.

Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. §103(a) of claims 6 and 7 should be withdrawn because Fukushima and Go, whether taken singly or combined, do not teach or suggest each feature of independent claim 1, as amended, and hence dependent claims 6 and 7.

Claim 16 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Fukushima in view of Yamamoto. Applicant respectfully traverses the rejection of dependent claim 16 for at least the following reason.

As noted above, independent claim 1, from which claim 16 depends, recites amongst other elements “first and second substrates having a plurality of grooves formed therein and attached to each other at a plurality of adhesive portions,” and “a plurality of discharge spaces in the grooves between the first and second substrates.” Also, as explained above, Fukushima fails to teach or suggest at least this feature of newly amended independent claim 1.

Applicant respectfully submits that Yamamoto also fails to teach or suggest at least the claimed combination as set forth in independent claim 1 and thus fails to cure the deficiencies of Fukushima. As illustrated in Fig. 6, Yamamoto teaches a pair of flat glass panels 65a and 65b without any teaching or suggestion of including grooves formed therein and attached to each other at a plurality of adhesive portions and a plurality of discharge spaces in the grooves between the first and second substrates.

Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. §103(a) of claim 16, which depends upon claim 1, should be withdrawn because Fukushima and Yamamoto, whether taken singly or combined, do not teach or suggest each feature of independent claim 1, as amended, and hence dependent claim 16.

Conclusion

In view of the foregoing, withdrawal of the rejections and allowance of the pending claims are earnestly solicited. Should there remain any questions or comments regarding this response or the application in general, the Examiner is urged to contact the undersigned at the number listed below.

Attached hereto is a marked-up version of the changes made by the current amendment.

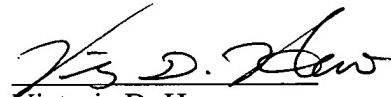
The attachment page is captioned "Version with Markings to Show Changes Made."

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:



Victoria D. Hao
Reg. No. 47,630

Dated: June 12, 2003

Customer No.: 009629

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Phone: 202.739.3000

Fax : 202.739.3001

VERSION WITH MARKINGS TO SHOW CHANGES MADE**IN THE CLAIMS:**

Claim 1 has been amended as follows:

1. (Amended) A flat luminescent lamp comprising:

first and second substrates having a plurality of grooves formed therein and attached to each other at a plurality of adhesive portions;

a plurality of discharge spaces in the grooves [in regions other than the plurality of adhesive portions] between the first and second substrates;

first and second electrodes arranged in the discharge spaces to be separated from each other;

first and second phosphor layers formed in the discharge spaces; and

first and second frames sealing the first and second substrates.